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6 Attorneys for Defendant  
7 CARLTON CURTIS COLEMAN

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 CARLTON CURTIS COLEMAN,  
15 Defendant.  
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Case No. 12 Cr. 246 (YGR)

STIPULATION AND ORDER  
AMENDING JUDGMENT

Before the Honorable Yvonne Gonzalez Rogers  
United States District Judge

**STIPULATION**

WHEREAS: On November 8, 2012, the parties filed a Stipulation and [Proposed] Order requesting, *inter alia*, that the Court conform the written Judgment to its oral pronouncement of sentence (Dkt. 28);

WHEREAS: On November 16, 2012, the Court entered an Order providing that upon review of the sentencing hearing transcript (“RT”) and any further presentation of the parties, it would amend the Judgment to conform in all material respects to the oral pronouncement of sentence (Dkt. 29);

WHEREAS: On November 18, 2012, the court reporter prepared and filed the sentencing hearing transcript (Dkt. 30);

WHEREAS: The transcript reflects two material inconsistencies between the written Judgment and the sentence orally announced, to wit:

(1) Special Condition of Supervised Release No. 3—pertaining to the disclosure of financial information—was omitted from the Court’s oral pronouncement of sentence but included in the written Judgment, *compare* Dkt. 26 at 4 *with* RT at 27:13-30:14; and

(2) Special Condition of Supervised Release No. 6—pertaining to law enforcement searches—permits searches of Mr. Coleman “with or without cause[,]” although the sentence orally announced permits searches with or without “probable cause[,]” *compare* RT at 29:5-11 *with* Dkt. 26 at 4;

IT IS HEREBY STIPULATED, agreed, and respectfully requested that the Court AMEND the Judgment in the following respects: that

(1) Special Condition of Supervised Release No. 3 be stricken from the Judgment as it was not included in the Court’s oral announcement of sentence; and

(2) Special Condition of Supervised Release No. 6 be conformed in all material respects to the search condition orally announced, as follows:

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1 Upon request by any federal, state, or local law enforcement  
2 officer, including United States Probation and/or the United States  
3 Marshals, the defendant must submit to a search of his person,  
4 residence, office, vehicle, or any property under his control,  
whenever asked and whether or not the searching officers have  
probable cause, and whether or not the officers have a search  
warrant.

5 IT IS SO STIPULATED.

6 DATED: November 26, 2012

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/s/  
ETHAN A. BALOGH  
JAY A. NELSON  
Attorneys for Defendant Carlton Coleman

8 DATED: November 26, 2012

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/s/  
BRIGID MARTIN  
Assistant United States Attorney

10 **CERTIFICATION**

11 By presenting the signatures set forth above, the filing attorney hereby certifies that he  
12 has received written authorization to present this stipulation on behalf of both parties.  
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**ORDER**

Before the Court is the parties' Stipulation and [Proposed] Order Amending Judgment ("Stipulation"). Based upon the foregoing Stipulation, and for good cause shown:

IT IS HEREBY ORDERED that the Judgment shall be AMENDED in the following respects: that

(1) Special Condition of Supervised Release No. 3 shall be stricken from the Judgment; and

(2) Special Condition of Supervised Release No. 6 shall be modified as follows:

Upon request by any federal, state, or local law enforcement officer, including United States Probation and/or the United States Marshals, the defendant must submit to a search of his person, residence, office, vehicle, or any property under his control, whenever asked and whether or not the searching officers have probable cause, and whether or not the officers have a search warrant.

An Amended Judgment shall issue forthwith.

IT IS SO ORDERED.

DATED: November 27, 2012

  
**THE HONORABLE YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT JUDGE**

**PROOF OF SERVICE**

I, Ethan A. Balogh, certify that on November 26, 2012, I served all parties in this matter by causing the preceding pleading to be filed electronically, as set forth by General Order 45, Section IX, A and B. I also caused a copy to be served upon United States Probation Officer Brian D. Casai via electronic mail.

A handwritten signature in blue ink, appearing to read 'E.A. Balogh', is enclosed in a rectangular box.

Dated: November 26, 2012

ETHAN A. BALOGH